IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO. 95 OF 2005

IN

SUIT NO. 80 OF 2005

IN

PETITION NO. 603 OF 2005

Preeti P. Shah ...Plaintiffs.
vs.
Vikram P. Kapadia ...Defendants.

A.H. Gokhale i.by. P.P. Kapadia

for the plaintiffs.

V.P. Kapadia,

defendant in person.

CORAM: S.U. KAMDAR, J.

DATE : 22ND FEBRUARY, 2006.

P.C. :

1. Defendant is appearing in person. The present Chamber summons has been taken out by the petitioner for dismissal of the caveat filed by

the caveator. Admittedly the caveator is not the legal heir of the deceased. He is only claiming to be in possession of the part of the estate being factory premises. He also claims to be the sub-tenant. Assuming his contentions are rights still in my opinion in view of the judgment of the Supreme Court in the case of **Chiranjilal Shrilal Goenka vs. Jasjit Singh and Ors. reported in 1993 (2) SCC 507** he has no locus to file the caveat as it is a settled law that the probate court does not decide any question of title or the question of possession of any of the properties. In that light of the matter, Chamber summons is made absolute in terms of prayer clause (a).

sd/-

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